

ENROLLED ORIGINAL

A RESOLUTION

17-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To approve the proposed rules to establish a sales discount fee on all sales, purchase orders, delivery orders, task orders, and purchase card transactions made under contracts awarded through the District of Columbia's multiple award schedule procurement program, also known as the D.C. Supply Schedule.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Required Sources of Supplies and Services Approval Resolution of 2007".

Sec. 2. Pursuant to section 205(b) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.05(b)), the Mayor transmitted to the Council proposed rules to establish a 1% sales discount fee on all sales, purchase orders, delivery orders, task orders, and purchase card transactions made under contracts awarded through the District of Columbia's multiple award schedule procurement program, also known as the D.C. Supply Schedule. The Council approves the proposed rules, published at 54 DCR 3316, to amend Chapter 21 of Title 27 of the District of Columbia Municipal Regulations.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief Procurement Officer and the Office of the Mayor.

Sec. 4. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Kim M. Keenan to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Kim M. Keenan Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Kim M. Keenan
1015 33rd Street, N.W., #805
Washington, D.C. 20007
(Ward 2)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), completing the unexpired term of Lester Hyman, for a term to end May 15, 2009.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the University of the District of Columbia, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Mary Oates Walker to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Mary Oates Walker Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Mary Oates Walker
4520 17th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), replacing Curtis Etherly, for a term to end September 30, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Tonya Vidal Kinlow as the Ombudsman for Public Education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ombudsman for Public Education Tonya Vidal Kinlow Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Tonya Vidal Kinlow
3952 2nd Street, S.W.
Washington, D.C. 20032
(Ward 8)

as the Ombudsman for Public Education, established by section 602 of the Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve for a term of 3 years.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To establish the date by which the Mayor shall submit to the Council the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2009, to identify information and documentation to be submitted to the Council with the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2009, and to clarify that the Mayor shall submit performance plans and reports pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2009 Budget Submission Requirements Resolution of 2007".

Sec. 2. Pursuant to section 442(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(a)) ("Home Rule Act"), the Mayor shall submit to the Council, and make available to the public, not later than March 20, 2008, the proposed budget for the District government and related budget documents required by sections 442, 443, and 444 of the Home Rule Act (D.C. Official Code §§ 1-204.42, 1-204.43, and 1-204.44), for the fiscal year ending September 30, 2009. The proposed budget shall contain the following:

(1) For the entire District government, including all subordinate agencies, independent agencies, independent instrumentalities, and independent authorities ("agency"), a summary statement or table showing:

(A) The revenues by source (local, special purpose, federal, private, and intra-district);

(B) Expenditures by Comptroller Source Group for fiscal years 2006 and 2007; and

(C) Projections for revenues and expenditures for fiscal years 2008 and 2009;

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(2) For each agency or separate line item in the District's annual budget, summary statements or tables showing all sources of funding by source (local, special purpose, federal, private, and intra-district) for fiscal years 2006 and 2007, including a presentation of any variance between fiscal year appropriations and expenditures;

(3) For each agency or separate line item in the District's annual budget, a summary statement or table showing projections of all sources of funding by source (local, special purpose, federal, private, and intra-district), for fiscal years 2008 and 2009;

(4) For each agency or separate line item in the District's annual budget, summary statements or tables showing expenditures by Comptroller Source Group and by Program (Organizational Level II), delineated by Activity (Organizational Level III), further delineated by Service (Organizational Level IV), by source of funding for fiscal years 2006 and 2007, including a presentation of any variance between fiscal year appropriations and expenditures, as well as projections for fiscal years 2008 and 2009;

(5) For each agency, a capital budget based on an updated multiyear capital improvement plan for all capital projects, including highway and other transportation improvements, as required in sections 442 and 444 of the Home Rule Act; and

(6) A summary statement or table showing the fiscal year 2009 baseline budget, at the Activity level and a revised fiscal year 2008 budget (as of March 1, 2008), which includes any supplemental budget allocations and fiscal year 2008 reprogrammings for both operating and capital and expenditures and authority that will have a recurring fiscal impact in succeeding fiscal years.

Sec. 3. In addition to, and in support of, the information submitted pursuant to section 2, the Mayor shall submit the following to the Council:

(1) Copies of all documents referenced in and supportive of the budget justification for fiscal year 2009, including the proposed Fiscal Year 2009 Budget Request Act, and any other legislation that is necessary for implementation of the proposed budget for the District for fiscal year 2009;

(2) A summary statement or table showing, by Comptroller Source Group and by Program, delineated by Activity, further delineated by Service, authorized full-time equivalents ("FTEs") by revenue source (local, special purpose, federal, private, intra-district, and capital); FTEs indicating the actual salary of the incumbent, or, in the case of a vacant position, the authorized salary, for fiscal years 2006 and 2007; projections for fiscal years 2008 and 2009; and a listing of authorized FTEs for fiscal year 2009 that reflects new positions, reorganizations, and transfers;

(3)(A) A cash-flow report based on:

(i) No change in budget and revenue authority; and

(ii) The revised current fiscal year budget request and the

succeeding fiscal year budget request;

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(B) The cash-flow report should include the actual and projected monthly cash flow for preceding, current, and succeeding fiscal years, and the following detail:

(i) Major source of receipts:

- (I) Individual income tax;
- (II) Real property tax;
- (III) Special property tax;
- (IV) General sales and use taxes;
- (V) Miscellaneous taxes;
- (VI) Federal payments;
- (VII) Miscellaneous receipts;
- (VIII) Private and other;
- (IX) Federal grants;
- (X) Short-term notes;
- (XI) Receivables;
- (XII) Tobacco settlement payments; and
- (XIII) Special revenues;

(ii) Major types of disbursements:

- (I) Payroll;
- (II) Miscellaneous disbursements;
- (III) Public assistance;
- (IV) Medicaid;
- (V) Pension contributions benefits;
- (VI) Transit authority contribution;
- (VII) Debt service;
- (VIII) Recovery bonds or short-term notes; and
- (IX) Reserve funds;

(iii) Beginning balance; and

(iv) Ending balance;

(4) For the entire District government and each agency:

(A) A summary statement or table showing:

- (i) Legislation enacted in fiscal years 2007 and 2008 that shall impact fiscal year 2009 and is not accounted for in the 2009 fiscal year baseline budget; and
- (ii) All sources of funding by source (local, federal, intra-district, private, and other) for fiscal years 2008 and 2009; and

(B) A list of all enacted legislation that is subject to appropriations, without regard to fiscal year, and a statement for each as to whether it is funded, unfunded, or partially funded in the proposed fiscal year 2009 budget, and if it is not funded or partially funded, then an additional statement as to the fiscal impact to fund it in fiscal year 2009;

(5) For Medicaid data, a summary statement or table showing:

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(A) The fiscal year 2009 baseline Medicaid budget by each specific agency, (delineated by Program and Activity), related to the District of Columbia's Medicaid program, including a presentation of current fiscal year reprogrammings that will have a recurring fiscal impact in succeeding fiscal years and a comparison to the fiscal year 2008 final estimated Medicaid spending by each specific agency, (delineated by Program and Activity);

(B) The total Medicaid expenditures per month for fiscal year 2007 compared to the anticipated Medicaid expenditures for each month of fiscal years 2008 and 2009;

(C) The total number of actual Medicaid enrollees for each month of fiscal year 2007 compared to the number of anticipated Medicaid enrollees for each month of fiscal years 2008 and 2009, including data showing discrete numbers for each of the following groups:

- (i) Aged;
- (ii) Disabled;
- (iii) Temporary Assistance for Needy Families ("TANF") adults;
- (iv) TANF children;
- (v) Children Health Insurance Program ("CHIP") parents;
- (vi) CHIP children;
- (vii) Other adults;
- (viii) Other children;
- (ix) Pregnant women;
- (x) Immigrant children; and
- (xi) Blind persons;

(D) The amount of Medicaid reimbursement projected to be achieved in fiscal years 2008 and 2009, by each specific agency receiving Medicaid reimbursement, (delineated by Program and Activity), including a comparison to the actual reimbursements received in fiscal year 2007; the amount of projected local dollars that are used to leverage the federal reimbursement in fiscal years 2008 and 2009, including a comparison to the actual local dollars used to leverage federal reimbursement in fiscal year 2007; and a list of the local match by each agency's Program and Activity that is associated with leveraging Medicaid matching dollars; and

(E) The total number of actual Medicaid waiver program enrollees for each month of fiscal year 2007, for each Medicaid waiver, compared to the number of projected Medicaid waiver program enrollees for each month of fiscal years 2008 and 2009.

(6) A summary statement or table showing:

(A) The number of full-time and part-time teachers in the District of Columbia public school system, by school level (*e.g.*, elementary, junior high); and

(B) The number of special education students served by school level (*e.g.*, elementary, junior high), including the number of students who are eligible for Medicaid services;

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(7) Mayoral reprogramming requests for the current fiscal year that are included in the summary statement or table pursuant to section 2(5);

(8) For the Office of Labor Relations and Collective Bargaining within the Office of the City Administrator, and the Office of Labor Management Programs within the Executive Office of the Mayor, the following budget information shall be presented separately;

(A) The expenditures by revenue source (local, special purpose, federal, private, and intra-district) for fiscal years 2008 and 2009;

(B) Expenditures by Comptroller Source Group for fiscal years 2006 and 2007; and

(C) Projections for fiscal years 2008 and 2009;

(9) For all District government agencies, a multiyear capital budget for all capital projects, including highway and other transportation projects and services, setting forth the projects and subprojects' names and numbers with the following information:

(A) Original estimate;

(B) Prior year estimate;

(C) Projected year authority for the budget year and for 5 future year budgets; and

(D) A description specific to the project and subproject, including purpose, location, all sources of funding, key milestones, and current status;

(10) For all District government agencies, salary-lapse data for the 3 previous fiscal years, including information that details what the salary lapse was and whether it was reprogrammed for other purposes, and information explaining the salary-lapse assumptions that were used in developing the core budget for fiscal year 2009;

(11) For all District government agencies, a summary statement or table showing all reprogrammings for the last 2 fiscal years, which statement or table shall include information that details what agency sent or received the reprogrammed funds and identifies the reprogrammed funds by source (local, special purpose, federal, private, and intra-district);

(12) For the Fire and Emergency Medical Services Department, include within the budget narrative a detailed explanation of the financial resources available for Emergency Medical Services in fiscal years 2008 and proposed 2009;

(13) A list, by agency, of FTEs and associated funding (by funding source) that are funded out of the agency budget, but report to the Office of Contracting and Procurement;

(14) A list, by agency, of FTEs and associated funding (by funding source) that are funded out of the agency budget, but report to the Office of the Chief Financial Officer; and

(15) A list, by agency, of FTEs and associated funding (by funding source) that are funded out of the agency budget, but report to the Office of the Chief Technology Officer.

Sec. 4. Pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11 *et seq.*), the Mayor shall submit to the Council, and make available to the public, not later

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than January 31, 2008, the performance reports for fiscal year 2007 that cover all publicly funded activities of each District government agency. The Mayor shall submit to the Council, and make available to the public, not later than March 20, 2008, the performance plans for fiscal year 2009 that cover all publicly funded activities of each District government agency.

Sec. 5. The Mayor shall submit to the Council, not later than January 31, 2008, the agency strategic business plans that are required by D.C. Official Code § 47-308.01(g).

Sec. 6. Pursuant to section 446 of the Home Rule Act, the Council's 56-calendar day budget review period shall begin after the date that all materials required to be submitted by sections 2 through 5 have been submitted in accordance with this resolution and the Council's rules.

Sec. 7. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 8. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A RESOLUTION

17-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Eve L. Hill as the Director of the Office of Disability Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Office of Disability Rights Eve L. Hill Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Eve L. Hill
1213 E Street, S.E.
Washington, D.C. 20003
(Ward 6)

as the Director of the Office of Disability Rights, established by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.03), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$130 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to the Washington Drama Society, Inc., to assist in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Drama Society, Inc., Revenue Bonds Project Approval Resolution of 2007".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the Washington Drama Society, Inc., a nonprofit corporation exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Document"s means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code 1-201.01 *et seq.*).

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District lending of proceeds from the sale, in one or more series, of the bonds to the borrower in one or more loans.

(11) "Project" means the financing, refinancing, or reimbursing of all or a portion of borrower costs of:

(A) Acquisition, construction, renovation, and expansion of facilities located at 1101 Sixth Street, S.W., Washington, D.C. 20024 (Lot 129, Square 472), including:

(i) Theatre buildings and support facility of approximately 175,000 square feet, including 3 theatre spaces (the Fichander Stage at approximately 798 seats to be completely renovated, the Kreeger Theatre containing approximately 514 seats to be completely renovated, and a new theatre of approximately 250 seats), rehearsal space, offices, kitchen, lobbies, bookstore, and caf

(ii) The construction of approximately 77 on- and below-grade parking spaces;

(iii) The purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(B) Refinancing, in whole or in part, of existing indebtedness;

(C) Certain working capital expenditures;

(D) Capitalized interest;

(E) Any required deposit to a debt service reserve fund or other reserve fund;

(F) Eligible Issuance Costs; and

(G) The cost of any bond insurance or other credit enhancement.

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Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$130 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the provision by the borrower in its mission of encouraging public interests in the arts, particularly drama, providing instruction and experience in, and the facilities for, experimentation and development of the composition and presentation of drama and performing arts, and improving the standards of performance of the foregoing by education, research and experimentation, and industrial and commercial development, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds, and the loan to the borrower, are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing and refinancing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$130 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing and refinancing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements

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with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District of Columbia, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary manual or facsimile signature. The Mayor execution and delivery of the bonds shall constitute conclusive evidence of the Mayor approval, on behalf of the District,

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of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

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(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

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(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

ENROLLED ORIGINAL

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the development of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

ENROLLED ORIGINAL**Sec. 18. Transmittal.**

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-449

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Mr. David N. Franco to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board David N. Franco Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. David N. Franco
2307 15th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), representing the for-profit housing production industry, replacing Louis "Henry" Gifford, whose term ended January 14, 2007, for a term to end January 14, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Maria Patricia Corrales to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Maria Patricia Corrales Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Maria Patricia Corrales
1330 Locust Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), with significant knowledge of an area related to the production, preservation, and rehabilitation of affordable housing for lower-income households, for a term to end January 14, 2009.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Mr. David Charles Bowers to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board David Charles Bowers Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. David Charles Bowers
1350 D Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. law 8-133; D.C. Official Code § 42-2802.01), representing the financial services industry, replacing Martin Craig Pascal, whose term ended January 14, 2007, for a term to end January 14, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Mr. Peter B. Szegedy-Maszak to the Rental Housing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rental Housing Commission Peter B. Szegedy-Maszak Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Peter B. Szegedy-Maszak
5050 MacArthur Blvd., N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01), for a term to end July 18, 2009.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Mr. Tom E. Fulton to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA That this resolution may be cited as the "District of Columbia Commission on Human Rights Tom E. Fulton Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Tom E. Fulton
230 Rhode Island Avenue, N.W.
Washington, D.C. 20001
(Ward 5)

as a member of the District of Columbia Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To confirm the appointment of Ms. Tina Ang to the Commission on Asian and Pacific Islander Community Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Asian and Pacific Islander Community Development Tina Ang Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Tina Ang
912 F Street, N.W., #1103
Washington, D.C. 20004
(Ward 2)

as a member of the Commission on Asian and Pacific Islander Community Development, established by section 305 of the Office on Asian and Pacific Islander Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1374), for a term to end April 17, 2010.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency, due to Congressional review, with respect to the need to extend the life of the free clinic assistance program until the earlier of October 1, 2008 or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Free Clinic Assistance Program Extension Congressional Review Emergency Declaration Resolution of 2007".

Sec. 2. (a) The Free Clinic Assistance Program of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*) ("Act"), was to sunset October 1, 2007.

(b) On June 15, 2007, the Chairman, at the request of the Mayor, introduced the Free Clinic Assistance Program Extension Amendment Act of 2007. On June 25, 2007, the bill, Bill 17-255, was referred to the Committee on Public Services and Consumer Affairs. The permanent legislation was not enacted before the October 1, 2007 sunset of the Act.

(c) The District of Columbia has become increasingly reliant on a network of free non-governmental clinics to provide health care to the District's poorest and most vulnerable residents. These institutions, most of them small and thinly capitalized, are caught in a tightening vise between health insurers, including Medicaid, that are paying less for the services that the clinics provide and malpractice health insurers who are charging substantially more for liability insurance. Many of these organizations are facing the threat of bankruptcy or the cessation of their operations.

(d) Three years ago, the Council enacted the Free Clinic Assistance Program Extension Amendment Act of 2004. In that act, the Mayor was charged with establishing a working group to study other alternatives to provide professional liability insurance or indemnification under the Free Clinic Assistance Program to other organizations, including examining the potential effects of covering clinics through commercial insurance and subsidizing part of the cost of the private insurance for clinics that are ineligible for the program.

ENROLLED ORIGINAL

(e) A feasibility study was conducted and found that the best approach was the establishment of a government-owned captive insurance company.

(f) In the Fiscal Year 2007 Budget Support Act of 2006, the Council allocated funds to establish the captive insurance company. The Department of Insurance, Securities, and Banking is in the process of hiring a vendor to establish and operate the free clinic captive insurance company.

(g) The Committee on Public Services and Consumer Affairs has been told by Department of Insurance, Securities, and Banking that the free clinic captive insurance company will be operational by October 1, 2008.

(h) It is essential to extend the Act to ensure there are no gaps in professional liability coverage until the clinics have access to professional liability insurance through the newly-organized captive insurance company.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Free Clinic Assistance Program Extension Congressional Review Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the School Modernization Financing Act of 2006 to provide that the Facilities Master Plan shall be submitted by May 31, 2008, to require that a work program of 2008 activities and capital projects to be undertaken by the Office of Public Education Facilities Modernization and a proposed organizational structure be submitted to the Council, and to provide that no further funds shall be transferred to the Office of Public Education Facilities Modernization if the submissions are not submitted as required; to amend the Schools Modernization Amendment Act of 2005 to strike obsolete references and insert current references; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "School Modernization Use of Funds Requirements Congressional Review Emergency Declaration Resolution of 2007".

Sec. 2. (a) Section 103 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03) ("Act"), established requirements to access the Public School Capital Improvement Fund. The Act requires that the expenditure of all funds be in accordance with the Facilities Master Plan and the Capital Improvement Plan and prohibits the Chief Financial Officer from transferring funds until a facilities management organizational strategy is approved. Neither the Facilities Master Plan nor the facilities management organizational strategy have been filed with or, therefore, approved by the Council. Notwithstanding the need for Council approval of the Facilities Master Plan and the organizational strategy, there was a need to provide immediate and ongoing funding authority for imminent capital projects.

ENROLLED ORIGINAL

(b) Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), excluded routine maintenance of District of Columbia Public Schools facilities from the functions of the Office of Public Education Facilities Modernization ("OFM"). Further evaluation demonstrated the efficacy of assigning maintenance functions to OFM.

(c) In October 2007, the Council enacted the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, effective October 5, 2007 (D.C. Act 17-129; 54 DCR 10030) ("Emergency Act"), which addressed the above-referenced issues. The Emergency Act expires on January 3, 2008.

(d) Temporary legislation, the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR ____), must complete the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and will not become law by January 3.

(e) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-457

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the sense of the Council that there is a need to modernize District of Columbia law regarding the rights and services for residents with intellectual and developmental disabilities and for their families, and to express the guiding values and principles for this new law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Regarding Rights and Services for Residents with Intellectual and Developmental Disabilities and Their Families Resolution of 2007".

Sec. 2. The Council finds that:

(a) It is the policy of the District of Columbia that residents with intellectual and developmental disabilities have all the civil and legal rights enjoyed by all other residents of the District of Columbia and the United States.

(b) All District of Columbia residents benefit when individuals with intellectual and developmental disabilities live with independence and dignity in the most inclusive and most integrated-community setting possible and have the freedom and opportunity to fully participate in the cultural, economic, educational, political, and social fabric of their communities.

(c) Residents with intellectual and developmental disabilities are effective advocates who speak up on their own behalf and should be engaged as active partners by District of Columbia government, service providers, and communities.

(d) Residents with intellectual and developmental disabilities are best able to determine their own needs and should be afforded all the information, opportunities, and support required to make meaningful choices about where they live, work, and play and, to the greatest extent possible, to control the design and delivery of their services.

(e) Families, by far, provide the greatest quantity and, in many instances, quality of services and support for their family members with intellectual and developmental disabilities.

ENROLLED ORIGINAL

(f) The District of Columbia should implement a model system of effective quality services and support for residents with intellectual and developmental disabilities and for their families, which:

- (1) Fully recognizes the individual's rights, abilities, and preferences;
- (2) Is rooted in best practices, ongoing innovation, and standards of excellence;
- (3) Seeks to maintain a high quality of life and encourages the maximum development of the ability and potential of each individual;
- (4) Offers flexibility and a full range of service options, including comprehensive-family support throughout the life of the individual with an intellectual or developmental ability;
- (5) Adopts an individualized, person-centered approach that is responsive to the unique strengths, abilities, needs, culture, values, and preferences of each individual and family;
- (6) Builds familial and community support and ensures that each individual has meaningful opportunities to develop and maintain relationships with family, friends, coworkers, and others;
- (7) Is delivered by a diverse workforce that is well-qualified and highly motivated, one which receives ongoing training, demonstrates necessary skills, and regularly uses best practices; and
- (8) Is distributed with fairness and equity and produces measurable results that demonstrate that the services have met the goals and needs of, and satisfied, each individual and family.

(g) After 29 years, the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), no longer reflects existing federal laws and programs, best practices in service delivery, or contemporary knowledge of the rights, abilities, and preferences of individuals with intellectual and developmental disabilities.

(h) There is a clear need for new legislation to reorganize and modernize District of Columbia law governing services and support for individuals with intellectual and developmental disabilities and for their families, which has been developed by a coalition of residents with intellectual and developmental disabilities, their families, advocates, service providers, and other community stakeholders.

Sec. 3. It is the sense of the Council that the values and principles set forth in this resolution shall be reflected in new legislation introduced during the current Council session to reorganize and modernize District of Columbia laws governing services and support for residents with intellectual and developmental disabilities and their families.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

17-458

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to amend the Health Services Planning Program Re-establishment Act of 1996 to set the certificate of need application fee for Medical Homes DC projects.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Services Planning Program Emergency Declaration Resolution of 2007".

Sec. 2. (a) Chronic disease, including stroke, cancer, and heart disease account for more than half of all deaths in the District of Columbia.

(b) The diabetes mortality rate is the highest in the nation, almost 3 times that of the lowest state and almost double that of our neighboring jurisdictions.

(c) Though many of these deaths could be prevented by providing regular access to primary and preventative care, more than half of District residents live in areas where there is a shortage of primary-care providers.

(d) To address this access disparity, the District has partnered with the DC Primary Care Association ("DCPCA") to launch the Medical Homes DC initiative, a program designed to strengthen and enlarge the current network of community-health centers and dramatically increase the number of low-income and uninsured District residents who can access care.

(e) By providing capital and technical assistance to primary-care clinics, Medical Homes DC will add approximately 200,000 additional square feet of health-center space.

(f) Not only will these expansions improve health outcomes for District residents, but by increasing residents' access to primary and preventative care, the District will reduce the high costs associated with avoidable emergency department visits and hospitalizations.

(g) Since launched in 2004, Medical Homes DC has granted \$2 million for 13 separate capital projects, 5 of which are located in Wards 7 and 8.

(h) Despite the great need for these projects, many have been unable to move forward due to excessive certificate-of-need application fees.

ENROLLED ORIGINAL

(i) Under current law, the application fee for a certificate of need is the greater of 3% of the proposed capital expenditure or \$5,000, with a maximum of \$300,000.

(j) For large Medical Homes DC projects, the result is often application fees that are beyond the budgets of primary-care clinics. For example, Bread for the City, a Medical Homes DC clinic, would need to pay approximately \$150,000 to simply submit a certificate of need application.

(k) With scarce funding available for capital and technical upgrades, a \$150,000 application fee, in effect, prevents these Medical Homes DC projects from moving forward.

(l) Over 2 years ago, DCPCA began working with the Department of Health to find a way to make the certificate-of-need process more affordable for those clinics who serve primarily low-income, under-insured residents. As a result of this joint effort, the Health Services Planning Program Amendment Act of 2007 ("permanent legislation") was introduced in September 2007. The permanent legislation would set the certificate-of-need-application fee for Medical Homes DC projects at \$5,000.

(m) The Committee on Health held a hearing on the permanent legislation on October 22, 2007. Testimony provided by DCPCA, primary care clinics, and the Department of Health all spoke in favor of the proposed fee and about how setting an affordable rate will allow many much-needed projects to move forward.

(n) The Committee on Health voted unanimously in favor of the permanent legislation at an additional meeting held on November 16, 2007.

(o) The permanent legislation had its first vote on December 11, 2007. However, if the current application-fee structure is not immediately adjusted, Medical Homes DC projects will not be able to proceed with the certificate-of-need process during the current review period.

(p) Under District law, the State Health Planning and Development Administration, within the Department of Health, reviews certificate-of-need applications for primary-care clinics only twice a year, in December and June.

(q) If the Council does not act to immediately amend the Health Services Planning Program Re-establishment Act, expansion of health-care services at Medical Homes DC clinics will be delayed until summer 2008.

(r) Given the critical health needs of District residents, especially those in areas where there are primary-care shortages, it is imperative that these projects move forward as expeditiously as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Services Planning Program Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-459

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to change the ballot access criteria for a candidate to be placed on the ballot in a presidential primary election.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Presidential Primary Ballot Access Emergency Declaration Resolution of 2007".

Sec. 2. (a) The rules for qualifying a political party member for listing on the ballot as a candidate for nomination for President in the District of Columbia's presidential primary are, or may be, inconsistent with the rules of a political party for sch listing.

(b) The next primary primary is February 12, 2008. Candidate must be qualified for the ballot by January 2, 2008, and certified to the Board of Elections and Ethics by January 1, 2008.

(c) District of Columbia law should allow each political party to determine its own rules for significant and substantial input into ballot access.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Presidential Primary Ballot Access Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to review and approve the lease of certain real property owned by the District of Columbia to the Estates at Mount Vernon, LLC, which real property is located at 1232 4th Street, N.W., and 1226 4th Street, N.W., in the District of Columbia and designated for assessment and taxation purposes as Lots 0129 and 0866, Square 0513.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Home Again Estates at Mt. Vernon Disposition Emergency Declaration Resolution of 2007".

Sec. 2. (a) Pursuant to section 1 of An Act Authorizing the sale of certain real property in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801)("Act"), the Mayor transmitted to the Council a request for Council approval of the disposition by negotiated sale of certain real property owned by the District of Columbia in fee simple, commonly known as 1232 4th Street, N.W., and 1226 4th Street, N.W., and identified for purposes of assessment and taxation as Lots 0129 and 0866, Square 0513 (collectively, "property").

(b) Pursuant to Council approval and subject to the provisions of the Act, the District would dispose of the property to Estates at Mt. Vernon, LLC ("developer").

(c) The Mayor has determined that the developer's response to a Home Again Initiative request for proposals to purchase and redevelop the property will result in the most effective and beneficial use of the property.

(d) To begin redevelopment of the property by the spring of 2008, the developer requires title to the property to initiate the redevelopment process, including beginning the permit process and securing the necessary construction contracts.

(e) The prompt conveyance of title to the developer will enable swift redevelopment of the property and the elimination of blight on the neighborhood.

ENROLLED ORIGINAL

(f) If the property is not conveyed expeditiously, it may delay developer's procuring the necessary construction and permanent financing. Construction costs within the District are also generally rising and will compromise the ability to get reasonable financing if developer is not able to secure needed private financing.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Home Again Estates at Mt. Vernon Disposition Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To approve, on an emergency basis, the sale of certain real property owned by the District of Columbia located at 1232 4th Street, N.W., and 1226 4th Street, N.W., in the District of Columbia and designated for assessment and taxation purposes as Lots 0129 and 0866, Square 0513.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Home Again Estates at Mt. Vernon Disposition Emergency Approval Resolution of 2007".

Sec. 2. (a) For purposes of this resolution, the term:

(1) "Affordable Unit" means a unit to be sold to a household whose income is equal to, or less than, the maximum area median income ("AMI") percentage set forth for that unit, with AMI being the periodic AMI calculation provided by the United States Department of Housing and Urban Development ("HUD") as a direct calculation without taking into account any adjustments made by HUD for the program it administers.

(2) "CBE Utilization and Participation Agreement" means an agreement with the Department of Small and Local Business Development governing certain obligations of the developer of the property under the Small, Local, and Disadvantaged Business Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01), requiring contracting and employment of local, small businesses for at least 50% of all the pre-construction and construction of the improvements contemplated in this resolution.

(3) "Developer" means a person or entity that develops real estate for commercial or residential use.

(4) "Eligible Buyer" means a household consisting of one or more individuals who purchase the property as a primary residence and certifies that he, she, or they intend to use the property as his, her, or their primary residence. For an Affordable Unit, the term "Eligible Buyer" shall also mean a household meeting the income restrictions of an Affordable Unit.

(5) "First Source Agreement" means an agreement with the Department of

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Employment Services governing certain obligations of the developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction contemplated in this resolution.

(b) Pursuant to section 1 of An Act Authorizing the sale of certain real property in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), the Mayor transmitted to the Council a request for Council approval of the disposition by negotiated sale of certain real property owned by the District of Columbia in fee simple, commonly known as 1232 4th Street, N.W., and 1226 4th Street, N.W., and identified for purposes of assessment and taxation as Lots 0129 and 0866, Square 0513 (collectively, the "property"). The negotiated sale shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary and appropriate:

- (1) The property shall be sold to a developer selected by the Mayor.
- (2) The developer shall cause the property to be developed and sold only to an Eligible Buyer.
- (3) The developer shall cause any Affordable Unit developed and sold to be affordable to persons with incomes at or below either 80% or 60% of the area median income.
- (4) The developer shall enter into a CBE Utilization and Participation Agreement with the Department of Small and Local Business Development.
- (5) The developer shall enter into a First Source Agreement with the Department of Employment Services.
- (6) The developer shall be current on any obligations outstanding to any agency or entity of the District government whether or not related to the disposition or the property, including all local taxes and charges affecting the developer.
- (7) The developer shall be validly organized, existing, and in good standing to do business in the District of Columbia.

(c) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the conveyance proposed by the Mayor.

(d) The Council finds that the property is no longer required for public purposes.

(e) The Council, finding that the property is no longer required for public purposes, approves the proposed disposition of the property pursuant to the terms of this resolution.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chief Financial Officer.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Officer as the fiscal impact

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statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to revise the requirements for criminal records checks for prospective foster and adoptive parents to comply with recent amendments to federal law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adoption and Safe Families Emergency Declaration Resolution of 2007".

Sec. 2. (a) Section 152 of the Adam Walsh Child Protection and Safety Act of 2006, approved July 27, 2006 (120 Stat. 587; 42 U.S.C. § 672) ("Adam Walsh Act"), amended the federal criminal record check requirements for foster and adoptive parents that apply to the states and the District of Columbia under Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*) ("Title IV-E"). District law currently reflects the federal requirements that were in effect prior to these amendments. For the District to continue to be eligible for federal funding under Title IV-E, it must revise its legislation to comply with the new federal requirements by January 1, 2008.

(b) Emergency legislation is necessary to ensure that the District of Columbia meets federal deadlines for compliance with the Adam Walsh Act and continues to be eligible for federal funding under Title IV-E.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Adoption and Safe Families Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to approve Contract No. GAFM-2007-C-0381 for emergency repairs to address critical and quality-of-life issues, including plumbing and electrical repairs, patching and repairing of leaking roofs, and repairing boilers and heating systems, at Simon Elementary School, and to authorize payment to Hess Construction Company in the amount of \$1,540,021 for the services rendered under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAFM-2007-C-0381 Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2.(a) There exists an immediate need to approve Contract No. GAFM-2007-C-0381 for the provision of emergency repairs to address critical and quality-of-life issues, including plumbing and electrical repairs, patching and repairing of leaking roofs, and repairing boilers and heating systems at Simon Elementary School, in the amount of \$1,540,021, and to authorize payment for the services received under that contract.

(b) In June 2007, the District of Columbia Public Schools awarded this contract to Parsons Commercial Technology Group ("Parsons") in the amount of \$1,239,993.23. The contract was submitted to the Council on July 24, 2007, and deemed approved on August 5, 2007.

(c) On June 12, 2007, the District of Columbia Office of Public Education Facilities Modernization ("OFM") was established by the section 702 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451), and OFM assumed responsibility for this contract.

(d) Subsequent to July 24, 2007, Parsons refused to mobilize and the contract with Parsons failed to go forward. The contract was awarded to the next lowest bidder, Hess Construction Corporation ("Hess").

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(e) Approval of the contract and authorization of payment in the amount of \$1,540,021 to Hess is necessary to compensate Hess for the emergency repair services it provided to address critical and quality-of-life issues at Simon Elementary School in time for the 2007-2008 school year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAFM-2007-C-0381 Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To declare the existence of an emergency with respect to the need to adjust the funding for certain public charter schools, in accordance with the provisions of section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Supplemental Funding for Special Needs Services Annual Payment Adjustment Emergency Declaration Resolution of 2007".

Sec. 2 (a) The public charter schools have a combined total of 203 District resident students with special needs who were not captured in the October 5, 2006, enrollment audit.

(b) The requested funding will support the public charter schools, identified in the proposed approval resolution, for services that address the special needs of District children, as identified in the 2006 enrollment audit.

(c) During the 2006 enrollment audit, each of the students was verified. The special-needs students attending the identified public charter schools received funding appropriate to their respective grade levels, but the students did not receive the appropriate special needs add-on payments.

(d) Documentation for each student supporting the individual special-needs status and the start date for his or her services has been verified by the Public Charter School Board and the Office of the State Superintendent of Education. These documents are on file at the Office of the State Superintendent of Education.

(e) The inability of the identified public charter schools to receive the supplemental payment will have a significant negative fiscal impact on the schools' operations and education programs.

(f) The Office of the Chief Financial Officer has identified a funding source and the budget category to provide the requested payment.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public

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Charter School Supplemental Funding for Special Needs Services Annual Payment Adjustment
Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 11, 2007

To approve, on an emergency basis, a request for an adjustment in the annual payment to certain public charter schools, in accordance with the provisions of section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Supplemental Funding for Special Needs Services Annual Payment Adjustment Emergency Approval Resolution of 2007".

Sec. 2. (a) Pursuant to section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.01(b)(3)(B)(i)), the Council approves a supplemental payment, in the amount of \$850,755.02, to the following public charter schools for special-needs services to District students provided during the 2006-2007 school year:

- (1) Academy for Learning Through the Arts;
- (2) Arts and Technology Academy;
- (3) Barbara Jordan;
- (4) City Collegiate;
- (5) Community Academy;
- (6) DC Preparatory Academy;
- (7) DC Bilingual;
- (8) Education Strengthens Families;
- (9) Elsie Whitlow Stokes;
- (10) Friendship-Collegiate Campus;
- (11) Friendship- Blow Pierce Campus;
- (12) Friendship-Southeast Campus;
- (13) Friendship-Woodridge Campus;
- (14) Eagle Academy;
- (15) Hope Academy;
- (16) Hyde Leadership Academy;
- (17) IDEA;

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- (18) KIPP DC;
- (19) LAYC-Youth Build;
- (20) Meridian;
- (21) Options;
- (22) Potomac Lighthouse;
- (23) Roots;
- (24) SAIL;
- (25) SEED;
- (26) Thurgood Marshall Academy;
- (27) Tree of Life Community;
- (28) Two Rivers; and
- (29) Washington Academy

(b) The funds for this supplemental payment will be provided by payment of \$850,755.02 from the surplus in the fiscal year 2007 public charter schools budget for expenditures these schools incurred in the 2006-2007 school year.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of the resolution, upon its adoption, to the Chief Financial Officer, the Deputy Mayor for Education, and to the Mayor.

Sec. 4. Fiscal impact statement.

The Chief Financial Officer has certified that there are funds available for this purpose.

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To declare the existence of an emergency with respect to the need to authorize the Mayor to establish an easy out retirement incentive program for District of Columbia Public Library employees during the remainder of fiscal year 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Public Library Retirement Incentive Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to establish a retirement incentive program at the District of Columbia Public Library ("DCPL") to lessen the negative impact of a significant number of anticipated employee separations.

(b) DCPL is currently transforming its programs, services, and organization structure to meet its 2008 Agency Performance Goals, which include Children, Youth & Teens, Library as a Common Place, Collections, Technology, and Literacy & Learning programs.

(c) There exists an urgency regarding the need to realign the organizational units and its staffing to meet vital agency services critical to meeting the above-stated goals within fiscal year 2008.

(d) Although reductions-in-force are available to assist in this effort, there are numerous disadvantages associated with them, such as the potential adverse impact on recently hired employees who lack the protection afforded by tenure.

(e) Reductions-in-force are not fiscally prudent to administer, requiring payment of severance pay, which can often be higher than the maximum allowed under a retirement incentive program. The reductions often result in appeals that are often prolonged and expensive, and require reemployment priority programs and placement assistance for employees separated.

(f) Retirement incentive programs are a better alternative than reductions-in-force, achieving the results desired by management in a manner that is more positive and have the support of the employees.

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(g) Unless action is taken immediately to authorize an easy out retirement incentive program for fiscal year 2008, the restructuring of the DCPL's workforce will be seriously jeopardized.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Public Library Retirement Incentive Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To declare the existence of an emergency with respect to the need to increase fiscal year 2008 local funds appropriation authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2008 Supplemental Appropriations Emergency Declaration Resolution of 2007".

Sec. 2. The Council finds that:

(1) Section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), and section 124 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub. L. No 110-92; H.J. Res. 52), require that reserve funds and fund balances may be obligated or expended only in accordance with law enacted by the Council.

(2) On September 6, 2007, the Chief Financial Officer issued a revised quarterly revenue estimate certifying that estimated revenue collections for fiscal year 2007 exceed the previous certified estimate by \$99.498 million and that estimated revenue collections for fiscal year 2008 exceed the previous certified estimate by \$23.48 million.

(3) On December 6, 2007, the Chief Financial Officer issued a revised quarterly revenue estimate certifying that estimated revenue collections for fiscal year 2008 exceed the previous certified estimate by \$49.9 million.

(4) Funds available from fiscal year 2007 revised revenues, fiscal year 2008 revised revenues, and the fiscal year 2008 operating cash reserve must be made available as soon as possible to provide the District of Columbia Public Schools funding needed to partially offset a deficit in fiscal year 2008 and to address other immediate needs.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To declare the existence of an emergency with respect to the need to reprogram \$1,459,140 in savings realized on interest on Short Term Borrowing to the Department of Housing and Community Development to reimburse federal community development block grant funds that were used to acquire a share in the property at 1800 Martin Luther King Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$1,459,140 for the Department of Housing and Community Development Emergency Declaration Resolution of 2007".

Sec. 2 (a) The Mayor has submitted a reprogramming request to the Council to reprogram \$1,459,140 in the interest on Short Term Borrowing to the Department of Housing and Community Development to reimburse federal community development block-grant ("CDBG") funds that were used to acquire a share in the property at 1800 Martin Luther King Avenue, S.E.

(b) Originally, the planned tenant of the 1800 Martin Luther King Avenue, S.E., property was a nonprofit entity, and CDBG funds could be used for the lease agreement. However, the planned tenant withdrew from an agreement with the District. The CDBG funds need to be reimbursed now that the property will be used by the District government.

(c) A lease for the property will not be able to be executed if the CDBG funds are not reimbursed and, as a consequence, unnecessary expenditures may accrue after December 31, 2007.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reprogramming of \$1,459,140 for the Department of Housing and Community Development Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-469

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To approve, on an emergency basis, a fiscal year 2008 reprogramming of \$1,459,140 in savings realized on interest on Short Term Borrowing to the Department of Housing and Community Development to reimburse federal community development block-grant funds that were used to acquire a share in the property at 1800 Martin Luther King, Jr. Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$1,459,140 for the Department of Housing and Community Development Emergency Approval Resolution of 2007".

Sec. 2. Pursuant to the requirements of D.C. Official Code § 47-363, the Council approves the reprogramming of \$1,459,140 from the savings realized on interest on Short Term Borrowing (Agency ZA0) to the Department of Housing and Community Development (Agency DB0).

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-470

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To declare the existence of an emergency with respect to the need to approve the reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General to permit the Office of the Attorney General to increase staff necessary to expedite juvenile cases as required in the Juvenile Speedy Trial Equity Emergency Act of 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General Emergency Declaration Resolution of 2007".

Sec. 2. (a) The reprogramming is necessary to permit the Office of the Attorney General to hire additional staff that will enable the agency to meet the objectives of the Juvenile Speedy Trial Equity Emergency Act of 2007.

(b) The initiatives of the Juvenile Speedy Trial Equity Emergency Act of 2007 are scheduled to begin no later than January 15, 2008.

(c) Due to the nature of this emergency, and pursuant to Council rules, this declaration is being circulated to all members and the Secretary to the Council at the earliest possible time before the legislative meeting.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-471

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To approve, on an emergency basis, the reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General Emergency Approval Resolution of 2007".

Sec. 2. (a) Pursuant to the provisions of D.C. Official Code §§ 47-363, the Council of the District of Columbia approves the reprogramming of \$937,921 from the Office of Administrative Hearings to the Office of the Attorney General to permit the Office of the Attorney General to increase staff necessary to expedite juvenile cases as required in the Juvenile Speedy Trial Equity Emergency Act of 2007.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-472

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2007

To declare the existence of an emergency with respect to the need to amend Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Speedy Trial Equity Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to expand the statutory speedy trial rights for juveniles ordered into shelter care. Current District law requires that youth placed in secure detention are to have a factfinding hearing within set time frames from the date of detainment. These rights, however, do not apply to children that have been ordered into shelter care. It is necessary to amend the law to correct the disparate treatment of those juveniles in shelter care.

(b) The Committee on Public Safety and the Judiciary held a public hearing on Bill 17-431, the Juvenile Speedy Trial Equity Amendment Act of 2007, on November 2, 2007. The proposed emergency bill seeks to implement the provisions of that act, as amended, and require an evaluation of those provisions on the administration of justice.

(c) D.C. Official Code § 16-2310(e) currently requires that youth placed in secure detention are to have a factfinding hearing within 30 days from the date of detainment, or 45 days in cases involving particularly violent offenses enumerated in the Code. Juveniles charged with lesser offenses are often ordered by the court to be placed in shelter care while awaiting trial. Due to a limited number of shelter care beds, however, many of these juveniles are often housed in secure detention with the more violent offenders. While these juveniles are placed on a waiting list for a shelter home space, the court has interpreted the statute as not affording them the same speedy trial rights of those juveniles ordered into secure detention.

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(d) Without statutory speedy trial rights, youth ordered into shelter care proceed more slowly to trial. In addition to causing a waiting list for shelter beds, this also produces overcrowding within secure detention facilities.

(e) Reducing the time that juveniles ordered into shelter care spend awaiting trial will increase the sense of accountability these juvenile offenders have for their actions, and reduce the disruption that occurs for innocent children that are charged and detained.

(f) D.C. Official Code § 16-2310(e) also provides for continuances that may delay a factfinding hearing. The effect of a continuance is often that a child will remain in secure detention or shelter care for additional periods of time. This causes disruption to the child's life, reduces the association a child makes between their actions and the adjudication, and also contributes to problems of overcrowding in secure detention and a shortage of shelter care beds. The proposed legislation would limit the continued detention in shelter care or secure detention as a result of a continuance granted by the court. The limitation on continued detention would not apply, however, for youth charged with particularly violent offenses enumerated in the statute, where delay is caused by the processing of evidence by a federal agency, or where the court determines that continued detention is necessary as a matter of public safety.

(g) To achieve the goals of this legislation, the court and other juvenile justice stakeholders have agreed to a collaborative effort to implement a number of changes for improving case-processing times. Among the changes to be implemented: the Family Court of the Superior Court of the District of Columbia will convert 4 part-time juvenile trial courts to full-time juvenile trial courts; the Office of the Attorney General will provide additional Assistant Attorney General's to sufficiently staff these courts; and the Department of Youth Rehabilitation Services will conduct weekly review hearings for shelter home children with low risk assessment scores to evaluate them for the possible stepdown to a less-restrictive setting.

(h) To determine whether the provisions of this emergency legislation achieve the fair and effective administration of justice, provisions within the bill require the Council to contract for a study to evaluate the implications of this act. The study will include an analysis of the viability of implementing, on a permanent basis, the 45-day speedy trial right for children ordered into shelter care, or adjusting that time frame as appropriate.

(i) It is critical that statutory changes expanding speedy trial rights be enacted now, so that the study's evaluation can be full, informed, and completed by this summer. The evaluation will enable the Council to deliberately consider permanent action on Bill 17-431.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Juvenile Speedy Trial Equity Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.